


127 Box 49 - JGR/School Prayer (3) – Roberts, John G.: Files
SERIES I: Subject File

THE WHITE HOUSE
WASHINGTON

June 11, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

S.J. Res. 3 and H.J. Res. 279, Constitutional
Amendments Concerning Voluntary School Prayer

OMB has asked for comments on S.J. Res. 3 and H.J. Res. 279, identical resolutions to amend the Constitution to permit voluntary prayer in public schools. The resolutions are identical to S.J. Res. 73, 98th Congress, which the Administration strongly supported. OMB noted that it will assume no objection unless otherwise advised; accordingly, no action is necessary on our part.

Attachment

ID # _____ CU

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 / 1 / _____Name of Correspondent: JAMES C. MURR☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: S.J. Res. 3 and H.J. Res. 279, constitutional
amendments concerning voluntary school prayer

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CULHILL</u>	ORIGINATOR	<u>85106110</u>			<u>1</u> / <u>1</u> / _____
	Referral Note:				
<u>QUAT 19</u>		<u>85106110</u>		<u>S</u>	<u>85106114</u>
	Referral Note:			<u>CDB</u>	
		<u>1</u> / <u>1</u> / _____			<u>1</u> / <u>1</u> / _____
	Referral Note:				
		<u>1</u> / <u>1</u> / _____			<u>1</u> / <u>1</u> / _____
	Referral Note:				
		<u>1</u> / <u>1</u> / _____			<u>1</u> / <u>1</u> / _____
	Referral Note:				

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SPECIAL

June 7, 1985

LEGISLATIVE REFERRAL MEMORANDUM

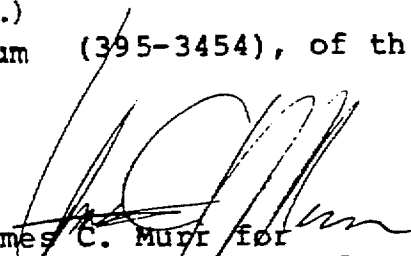
TO: Department of Justice
Department of Education

SUBJECT: S.J. Res. 3 and H.J. Res. 279, constitutional amendments concerning
voluntary school prayer

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Circular A-19.

Please provide us with your views no later than COB June 14, 1985.
(NOTE: Both resolutions are identical to S.J. Res. 73 as reported (98th Congress), which the Administration strongly supported. We will assume agency support for these resolutions unless otherwise advised.)

Direct your questions to **Branden Blum** (395-3454), of this office.


James C. Murr for
Assistant Director for
Legislative Reference

Enclosures

cc: K. Wilson
J. Brown

B. White
F. Fielding ✓

99TH CONGRESS
1ST SESSION

S. J. RES. 3

Proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

IN THE SENATE OF THE UNITED STATES

JANUARY 3, 1985

Mr. THURMOND (for himself, Mr. HATCH, Mr. DENTON, Mr. EAST, Mr. ABDNOR, Mr. NICKLES, Mr. HELMS, and Mr. WARNER) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary.

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is hereby proposed as an amendment to the*
5 *Constitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution if ratified by*
7 *the legislatures of three-fourths of the several States within*
8 *seven years from the date of its submission to the States by*
9 *the Congress:*

"ARTICLE —

1
2 "Nothing in this Constitution shall be construed to pro-
3 hibit individual or group prayer in public schools or other
4 public institutions. No person shall be required by the United
5 States or by any State to participate in prayer. Neither the
6 United States nor any State shall compose the words of any
7 prayer to be said in public schools."

○

99TH CONGRESS
1ST SESSION

H. J. RES. 279

Proposing an amendment to the Constitution of the United States relating to
voluntary school prayer:—

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1985

Mr. KINDNESS (for himself, Mr. HUNTER, Mrs. SMITH of Nebraska, Mr. KASICH, Mr. HAMMERSCHMIDT, Mr. RUDD, Mr. DUNCAN, Mr. NICHOLS, Mr. COBEY, Mr. QUILLEN, Mr. MONSON, Mr. HARTNETT, Mr. PARRIS, Mr. DANNE-MEYER, Mr. BARTON of Texas, Mr. SMITH of New Hampshire, Mr. BLILEY, Mr. YOUNG of Florida, Mr. SLAUGHTER, Mr. IRELAND, Mr. MOLLOHAN, Mr. DAUB, Mr. MOORE, Mr. McCANDLESS, Mr. TAUZIN, Mrs. BENTLEY, Mr. BILIRAKIS, Mr. STANGELAND, Mr. BURTON of Indiana, Mr. GREGG, Mr. CAMPBELL, Mr. ROGERS, Mr. FIELDS, Mr. HANSEN, and Mr. BOUL-TEE) introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United
States relating to voluntary school prayer.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is hereby proposed as an amendment to the*
5 *Constitution of the United States, which shall be valid to all*
6 *intents and purposes as part of the Constitution if ratified by*

1 the legislatures of at least three-fourths of the several States
2 within seven years from the date of its proposal to the States
3 by the Congress:

4 "ARTICLE .

5 "Nothing in this Constitution shall be construed to pro-
6 hibit individual or group prayer in public schools or other
7 public institutions. No person shall be required by the United
8 States or by any State to participate in prayer. Neither the
9 United States nor any State shall compose the words of any
10 prayer to be said in public schools."

○



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 15, 1985

361206

LEGISLATIVE REFERRAL MEMORANDUM

TO: LEGISLATIVE LIAISON OFFICER

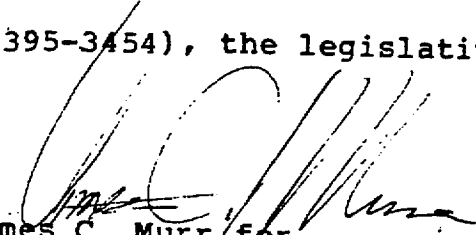
Department of Justice
Department of Education

SUBJECT: S.J. Res. 2, as reported (Senate Report 99-165),
concerning a constitutional amendment to permit
silent prayer in public schools.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please provide us with your views no later than December 5, 1985.

Direct your questions to Branden Blum (395-3454), the legislative attorney in this office.


James C. Murr for
Assistant Director for
Legislative Reference

cc: John Cooney
Karen Wilson
Barry White
Fred Fielding

THE WHITE HOUSE

WASHINGTON

November 21, 1985

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS *JGR*

SUBJECT:

S.J. Res. 2 -- Constitutional Amendment
to Permit Silent Prayer in Schools

OMB has copied you on its request to Justice and Education for views on S.J. Res. 2, a proposed constitutional amendment to permit "individual or group silent prayer or reflection in public schools." The express intent of S.J. Res. 2 is to overturn the recent decision of a sharply-divided Supreme Court in Jaffree v. Wallace, 105 S. Ct. 2479 (1985).

It is our customary practice to await receipt of agency views and comment at that time, if we see a need to intervene. I see no reason to depart from that practice in this instance. I expect the Justice report to begin by noting that the Executive has no formal role in the amendment process, and then to announce support for the amendment. Justice did, after all, appear on the losing side in Jaffree v. Wallace. I would have no objection to such a position statement. Many who do not support prayer in school support a "moment of silence" (including Senator Biden), and the conclusion in Jaffree v. Wallace that the Constitution prohibits such a moment of silent reflection -- or even silent "prayer" -- seems indefensible.

ID # 361208 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

RMD20

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING

Date Correspondence
Received (YY/MM/DD) 1 1 1

Name of Correspondent: James Murr

☐ MI Mail Report

User Codes: (A) (B) (C)

Subject: S.J. Res. 2 - Constitutional amendment
to permit silent prayer in schools

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CU HOLL	ORIGINATOR	85/11/19			1 1
CUAT 48	Referral Note:	85/11/20		S 85/11/20	
	Referral Note:				
	Referral Note:				
	Referral Note:				
	Referral Note:				
	Referral Note:				

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only No Action Necessary
R - Direct Reply w/ Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.